

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

FILED

FEB 20 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

This case comes before the Court upon the filing of "Plaintiff Litigating States' Motion for Appointment of Expert Witnesses Under FED. R. EVID. 706 and To Compel Inspection of Source Code Under FED. R. CIV. P. 37 & 34." Having considered plaintiffs' motion and Microsoft's opposition, and for the reasons set forth in the teleconference with the parties on February 15, 2002, it is this 19th day of February, 2002, hereby

ORDERED that plaintiffs' motion for appointment of court-appointed expert witnesses under FED. R. EVID. 706 is **DENIED**; and it is further

ORDERED that plaintiffs' motion to compel inspection of source code is **GRANTED** such that Professor Lee A. Hollaar of the University of Utah and other computer science experts retained by plaintiffs who sign the protective order dated May 27, 1998, may inspect the source code for Windows XP Home and Windows Professional operating systems that Professor Hollaar was provided on a confidential basis during the

mediation phase of this action for use in the parties' efforts to settle the action; and it is further

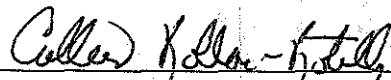
ORDERED that Microsoft shall promptly provide Professor Hollaar with a copy of the source code for Windows XP Embedded;

ORDERED that all of the Windows XP source code provided to Professor Hollaar and shown to other computer science experts retained by plaintiffs who sign the protective order shall be deemed Highly Confidential Information under the Protective Order; and it is further

ORDERED that Professor Hollaar and other computer science experts retained by plaintiffs who sign the protective order shall not use the Windows XP source code for any purpose other than in connection with their work as consulting or testifying experts in this action; and it is further

ORDERED that Professor Hollaar and other computer science experts retained by plaintiffs who sign the protective order shall keep the Windows XP source code in a secure location and shall take other appropriate steps to prevent the misappropriation of Microsoft's intellectual property.

SO ORDERED.


COLLEEN KOLLAR-KOTELLY
United States District Judge

Dated: February 19, 2002